

REGULATION OF FOREST PRACTICES IN VARIOUS JURISDICTIONS

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For:

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REGULATION OF FOREST PRACTICES IN VARIOUS JURISDICTIONS

Introduction

The legislative and regulatory provisions for governing forest practices in several different jurisdictions were reviewed to determine how old growth forest management and protection has been dealt with in forest land management. The jurisdictions examined include: Alaska, California, Idaho, Maine, Montana, Oregon, Washington, Tasmania and the U.S. National Forests. The forest acts, the forest practices acts, and codes which define the rules and regulations for each area were reviewed.

Part I is a summary report of the approaches used by the various jurisdictions to governing forest practices related to old growth characteristics. The administration of forest practices rules and regulations will be assessed, and specific standards which govern forest practices; including harvest methods, reforestation and conservation, will be described. The purpose is to examine the legislative and regulatory guidelines that define how the old growth issue is handled by the agencies who are responsible for forest management. Relevant sections of these documents that define specific forest practices and relate to the management of old growth characteristics are identified and summarized in Part II.

The documents accessed for the purpose of this assessment did not provide consistent information, however the provisions for administration, rules and regulations, application and enforcement for each jurisdiction are summarized. Some of the legislation, rules and regulations are presently being revised by the administering bodies to include specific provisions that reflect environmental concerns such as old growth forests (Alaska Division of Forestry, 1990).

PART I SUMMARY REPORT OF LEGISLATION REVIEW

1.0 Administration

In each jurisdiction there is a governing body, such as a department or board of forestry, which is established to manage forest lands. The department is responsible for developing policy and legislation to manage forest lands, and establish standards, rules and regulations that conform with the objectives of the legislation.

1.1 Advisory Committees

In some jurisdictions, an advisory board or committee is established to provide technical advice to the department and recommend rules and regulations governing forest practices based upon regional and public input. Alaska, California, Idaho, Oregon and Washington all have forest practices advisory committees.

These forest practice boards and committees consist of regional foresters, representatives of industry and the public. The Alaskan Board of Forestry is the most representative, including members from native, environmental and forestry organizations.

The intent of the advisory committees is to include regional input and interest group input in the designation of forest practices standards using the expertise and knowledge of those who are directly involved in forest operations. Washington State's rules and regulations were developed in a consensus process with Native, environmental, forest industry and state interests. The development of stricter standards for conservation through a consensus approach would reduce the conflict between agencies and forest user groups.

Tasmania, Montana and Maine do not specify the creation of an advisory committee for forest practices. Both Tasmania and Maine establish rules and regulations using regional and public input in a consultation process rather than through the advice of a committee.

2.0 Legislation, Rules and Regulations

Each of the jurisdiction has a Forest Practices Act which defines the legislation governing forest practices. The forest practices Acts mainly define the intent and general provisions for managing forest lands, including the development of harvesting plans and standards for conducting forest operations. More specific standards and rules are defined in rules and regulations codes issued by the departments responsible for forest management which conform to the intent of the legislation.

The most comprehensive code governing forest practices is the Tasmanian Forest Practice Code. The Code outlines specific guidelines for forest operations that will consider the environmental values of species diversity, uneven aged stand management and landscape and habitat diversity. Special management prescriptions must be followed for vegetation types that are not adequately protected. Habitat diversity must be maintained and in clearcutting operations, the type of areas left uncut are specified. Consideration for the protection of genetic resources of a natural forest should be included in a forest plan. These standards, when followed, will result in environmentally sound forest operations that will both preserve and manage for natural succession of forest vegetation.

2.1 Ecological Considerations

Both Washington's and Tasmania's rules and regulations attempt to incorporate environmental concerns and protection of forest lands in a more comprehensive manner than other jurisdictions. The rules and regulations define the context for regulating certain forest practices, and specify the objectives in terms of preservation of ecological processes.

The U.S. National Forest Act in Title 16: Conservation contains a section that pertains to the maintenance of species diversity.

The Act includes a provision which would require that in the development of resource management plans, the goal of providing for the diversity of plant and animal communities must be considered.

It is also stated in the Maine forest Act that an intent of the forest harvesting regulations is to promote a sustainable forest with both spatial diversity and biodiversity.

2.2 Protection of Old Growth Characteristics

Presently, there are no legislation, rules or regulations that establish specific provisions for the protection or management of old growth forests. There are, however, provisions in the legislation that may contribute to the protection and management of old growth characteristics. These provisions take the form of standards and rules for habitat preservation for species listed as critical or endangered. Specific forest operations must be conducted around nesting and roosting areas, and critical habitat areas must be preserved so as to protect the viability of the species included on the lists. Some of these species, such as the spotted owl, have habitat requirements that are only found in old growth forests.

Washington, California and Oregon have in their forest practice codes provisions for the protection of critical and endangered species habitat. Specific guidelines for forest operations around these sites are designated. These guidelines define buffer zone requirements and critical periods for each species with corresponding forest operation limitations. Regulating activity in critical habitat areas will have an impact on the forest practices that are conducted in old growth forest areas in these jurisdictions.

2.3 Harvesting Methods

Restrictions are also in place to limit the use of clearcutting in some jurisdictions. In Tasmania, the use of clearcutting is highly regulated to maintain landscape and species diversity and uneven-aged stand management is emphasized. In California, clearcutting is restricted in certain regions, and guidelines for how clearcutting should be conducted are specified. Alternative silvicultural methods are recommended in certain areas such as Coastal Commission Special Treatment Areas to conserve the integrity of the natural environment.

2.4 Proposed Legislation

Proposed amendments to the existing legislation which will include provisions for managing and preserving old growth forests have been put forth in California, and are in the process of being prepared in Alaska, Oregon and Washington. Three bills have been put forth in the California legislature and a referendum to vote on the bills will take place in November 1990. These initiatives include sections that define the management and protection of old growth forests; limit the use of clearcutting as a silvicultural method in certain areas; and specify conditions for continued

forest operations on a sustainable basis. These proposed amendments would provide very strict guidelines on the type of forest practices used in any forest operation with the intent of preserving and protecting the state forest lands.

3.0 Application and Enforcement

For all jurisdictions reviewed, the legislation, rules and regulations apply to both private and state lands. The department responsible for forest lands has the authority to enforce the provisions of the Acts. However, some of the guidelines are only recommendations to assure that forest operations comply with the intent of the rules and regulations.

Enforcement and penalties are applied to violations of the rules and regulations. The forest service or officers of the department are responsible for determining if operations are in violation of the Act and for applying the penalties where required. Violators are given notice to cease operations and repair damages, then fines are applied or jail sentences.

Washington, Oregon and Tasmania emphasize education and planning to prevent violations of their Acts. Operators are expected to comply with the provisions of the forest practices regulations, and are encouraged to conduct forest operations in a responsible manner. Informal conferences are used to inform operators of a potential violation and advise them of the practices necessary to meet the standards. Forest service officers serve as information consultants to assure that the forest operators are familiar with the standards which govern forest practices.

4.0 Conclusion

Of the jurisdictions examined, Tasmania has the most comprehensive standards governing forest practices. The standards emphasize ecologically and environmentally sound forest operations that will result in the conservation of forest lands, and provide for sustainable use of the forest resources.

California has very strict standards for forest operations that are written into the Forest Practices Act. The standards defined in the Act are more detailed than the general statement usually found in other forest acts. The general wording is open to interpretation and allows for flexibility for the decision makers.

The route by which old growth protection and management can be pursued in most jurisdictions examined is through the provisions for protection of critical and endangered species habitat.

PART II

MANAGEMENT PRACTICES LEGISLATION, RULES AND REGULATIONS REVIEW

The purpose of this review is to identify and describe the relevant provisions of the legislation, rules and regulations which govern specific forest practices in various jurisdictions that are associated with old growth forest values. Given that the issue of old growth conservation is relatively new, specific legislation, rules and regulations for old growth management have not been implemented in most jurisdiction. However, provisions for protection of endangered species habitat, and the preservation of species diversity have been included in some of the legislation. These provisions may form the basis for old growth conservation.

The Forest Practices Act and forest practices rules and regulations for each jurisdiction will be reviewed and a summary will be provided for: 1) the administration of forest practices; 2) the relevant rules and regulations which govern specific forest practices that are associated with old growth; 3) the applicability of the rules and regulations; 4) the enforcement of these provisions.

1.0 ALASKA

Alaska State Codes: Public Resources Title 41, Forest Resources and Practices, Chapter 17.

1.1 Administration

Sec. 41.17.020-41.17.030. Within the Department of Natural Resources there is a division of forestry to carry out the provisions of this chapter. The division of forestry is headed by a director; the state forester. The division will provide technical advice to the division of lands on sound forest practices, regulating operations on private forest lands and state forests, and provide public information and assistance regarding forest practices and timber management.

Sec. 41.17.041. A Board of Forestry shall be established in the division of forestry, consisting of 14 members who are appointed by the Governor from a list of nominees from each group. The seats are distributed as follows:

- state forester
- regional forester (USFS)
- representative of the Society of American Foresters

- 4 representatives of Native corporations owning or likely to own commercial timber stands
- representative of an Alaskan environmental group
- representative of the Alaskan Logger's Association
- representative of the Alaskan Coastal Management Council
- representative of a forest products processing union
- representative of the United Fisherman of Alaska
- representative of the Alaska Miner's Association
- representative of the public

The term of office is 3 years.

Sec. 41.17.047. The duties of the board are to review and provide comments to the commissioner of Natural Resources on regulations proposed for adoption.

Sec. 41.17.080. Regulations may be adopted by the commissioner related to harvesting and removal of timber, reforestation and other related practices. Different regulations may apply to district and regional subdivisions of the forest.

The Forestry Board and the Department of Forestry will determine the "best" harvesting practices to be used in each region. Forest Practice Standards will be created as guidelines for harvesting. "Best" management practices are defined in the Forest Practices Field Manual for each region and shall be coordinated and implemented by the state Forestry Board.

1.2 Rules and Regulations

Alaska State: Forest Resources and Practices Regulations and Procedures, 1981.

Forest Practices Procedures:

AAC 95.010. The purpose of the forest practices procedures is to carry out standards contained in section 41.17.060. The standards are general guidelines for road construction and maintenance, harvesting conduct, cleanup and stabilization, aesthetics, reforestation, etc. The Forest Practices Field Manuals specify the best management practices for adhering to the standards.

Forest Practices Field Manual. First Edition, 1981.

The field manual lists the best forest practices which are set forth by region and type of activity. These guidelines are not mandatory but serve as recommendations to assure that forest operations will meet the intent of the regulations. Specific forest practices that may be of interest govern reforestation.

Region I

Natural regeneration is encouraged however, if it cannot be achieved then a minimum seedling density of 300 trees per acre for all conifers is recommended.

Region II

Natural regeneration of white spruce should be encouraged. Recommendations for the block size, composition of residual stand, harvest system, time of year and stocking levels are provided for each of the silvicultural methods; clearcut, shelterwood, seed tree and selection.

1.3 Applicability

The rule and regulation apply to private forest lands and state forest lands.

1.4 Enforcement

Sec. 41.17.120. Regulations are enforced by the commissioner through inspecting and investigating forest land activities. In case of violations, fines may be imposed and a directive to repair damages.

2.0 CALIFORNIA:

California Codes: Z'Berg-Nejedly Forest Practices Act of 1973, 1990 Update

2.1 Administration

Sec. 4513. The intent of the legislation is to create and maintain an effective and comprehensive system of regulations and use so as to assure that: the productivity of the forest is maintained, and that the goal of maximum sustained yield is achieved while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment.

The State Board of Forestry defines forest policy and adopts rules and regulations necessary to manage forest resources.

Sec. 4516. The California Tahoe Regional Planning Agency has the right to adopt rules and regulation by ordinance or resolution that are stricter than those provided in Act related to reforestation methods, stand density control etc.

Sec. 4516.5. Counties may recommend that the board adopt additional rules and regulations for the conduct of timber operations to take account of local needs. They will be adopted by the board if they are consistent with the intent of the Act or necessary to protect needs of the county. These rules and regulations shall be enforced by the department of forestry.

Sec. 4531.5-4535. The board shall appoint a district technical advisory committee in each district consisting of 9 members:

- 5 general public with qualifications as stated;
- 3 representatives of the forest products industry;
- 1 representative of the range/livestock industry.

The term of office for each member is 4 years.

Sec. 4540. The committee shall advise the board in the establishment of district forest practice rules to govern timber operations on timberland within the district with interagency cooperation. The rules and regulations shall apply to the conduct of timber operations and will be based upon a study of factors affecting present and future conditions of timberlands. The board shall adopt district rules and regulations in accordance with intent of Act and shall be used as standards by persons preparing timber harvesting plans.

Resource Conservation Standards:

Sec. 4561. The board may encourage selection, shelterwood or other types of management of timber where consistent with the biological requirements of the tree species and may regulate the size and shape of areas in which even-aged management of timber is utilized.

Timber Harvesting:

Sec. 4581. The timber harvesting plan requirements are specified and include: an on sight inspection of area, special provisions to protect unique areas, methods of harvesting and silviculture and type of equipment used.

Sec. 4593. Non-industrial timber harvesting plans must be prepared for timberlands owned by non-industrial treefarmers with less than 2500 acres. The state encourages uneven aged timber management because low volume production results in minimal environmental harm.

A notice of harvest for non-industrial timberlands must be prepared prior to the commencement of harvesting and must include: a statement that no archaeological sites have been discovered in the harvest area since approval of the plan; no rare, threatened or endangered plant or animal species have been discovered in the harvest area since approval of the plan.

State Forests:

Sec. 4651. Harvesting and management shall conform to the regulations prepared by the director of the Department of Forestry and approved by the board and will conform to the intent of the Act.

2.2 Rules and Regulations

Department of Forestry Forest Practices Rules: Title 14, California Administrative Code

General:

Sec. 896.2. Conditions requiring disapproval of plan:

- (d) implementation of the plan as proposed would irreparably damage wildlife species listed as rare and endangered by the Dept. of Fish and Game, or would cause significant long term damage to wildlife species listed of special concern;
- (e) implementation of the plan would irreparably damage plant species listed as rare or endangered by Dept. of Fish and Game.

Sec. 913. Silvicultural Methods:

The purpose is to provide standard silvicultural systems and alternatives which shall meet the objectives of the Act.

Regeneration methods are described specifying some standards:

- (a) clearcutting - area limits, shape, area between clearcuts, steepness of slopes;
 - (b) shelterwood -
 - (c) selection -
 - (d) seed tree -
- uncut timber stands must be left according to basal size specified for each district.

Sec. 917.1. Snag Disposal and Retention:

The standards define what types of snags to leave for wildlife habitat and forest benefits.

Standard procedures for protecting nest sites in logging operation areas for endangered birds and birds of concern are specified.

Sec. 919.6-919.7. Specific requirements for protecting nest sites for each endangered bird species are described including: buffer zones and critical periods for each species with corresponding forest operation limitations.

Coast Forest District Rules:

Sec. 913.8. Special Harvesting Methods for Southern Subdistrict
Harvesting practices are specified for the Southern Subdistrict: 40% of the trees 45.7 cm d.b.h. must be left uncut, and 50% of the trees between 30.5-45.7 cm must be left uncut. Specific stocking standards are also specified for this subdistrict.

Sec. 921. Coastal Commission Special Treatment Areas: to protect the natural and scenic qualities while allowing management and orderly harvesting of timber resources within these areas. Harvesting methods recommended for these areas are: selection, sanitation-salvage and clearcutting.

Sec. 921.3. Every effort will be made to use alternative methods to clearcutting. It is not authorized for use in the southern subdistrict.

(1) The clearcutting method may be used for:

- (D) old growth stands where 70% or more of the countable trees over 36" dba are more than 200 years old.
- clearcut areas should not exceed 10 acres;
- clearcut areas must be separated by at least 300 ft of uncut forest.

Northern Forest District Rules:

Sec. 935.3. Protection of Natural Resources:

- (b) site preparation activities shall comply with the wildlife and habitat protection provisions as stated;
- (c) site preparation shall not affect threatened, endangered or designated species of concern.

Southern Forest District Rules:

Sec. 953.5. In high use subdistricts, clearcutting is not authorized. Alternative methods of selection, sanitation-salvaging or commercial thinning treatments must be used.

Provisions for protection of natural resources are the same as above.

2.3 Applicability

Sec. 4516.5, 4526. The legislation, rules and regulations apply to all forest lands greater than 3 acres and zoned as timberland including private, state and municipal forest lands.

2.4 Enforcement

Sec. 4601. Any violation of the Act, rules or regulations approved by the board is a misdemeanour punished by fine or imprisonment. Rules and regulations are enforced by the department of forestry.

Proposed Legislation For The State of California

Senate Bill No. 2201. Old Growth Forest Protection Act of 1990.

The proposed legislation is an act to amend the Public Resources Code relating to forest resources. The Act defines provisions for forest practices in old growth forests constituting an integrated and comprehensive system for providing a sustained yield of timber, providing biological diversity of forest types, protecting old growth forests, maintaining continuous employment in the timber industry, and the financing of an old growth forest protection program. Relevant sections include:

Sec. 4582.1. Clearcutting is prohibited in any old growth coast redwood or douglas fir timber stands.

Sec. 4582.2. Harvesting stands of coast redwood or douglas fir types less than 50 years or having an average diameter of 20 in. is prohibited.

The Act also provides for the financing of a protection program to include forests in state park systems and for research purposes. Specific harvesting and stocking standards are defined to ensure that timber stocks in all sizes and age classes are sustained in order to maintain long term economic viability of dependent communities, and to contribute to the biological diversity of forest communities.

The Act applies to lands zoned for timber production and to non-industrial timberlands over 2500 acres.

Global Warming and Clearcutting Reduction, Wildlife Protection and Reforestation Act of 1990

The purpose of this legislation is to authorize forest management practices that would reduce the contributions to global warming and the green house effect, to promote urban forestry, to ban the silvicultural practice of clearcutting in old growth forests and to reduce clearcutting in other forests, to monitor the effects of the ban of clearcutting, to establish a Timberland Task Force, and establish a long term management plan for timber harvesting. This initiative was put forth by the forest industry.

Sec. 4582.1 (a) The silvicultural method of clearcutting is banned in any old growth private timber in California;

(b) To further effect a 50% reduction of all timberland acreage harvested by the silvicultural technique of clearcutting by the end of 1995 for all private timberland in the state of California;

Specific standards for clearcutting are provided and by 1996, the Board of Forestry shall undertake a state wide assessment to determine the impacts of clearcut reduction on production of wood fibre, affordable housing, wildlife populations and habitat, rural economic stability, timberland productivity and timber industry viability and employment.

The Forest Protection and Bond Act of 1990.

The intents of this initiative put forth by the environmentalists are: to acquire and protect the most important ancient forests remaining on private lands and to provide habitat for species dependent on these forests; to improve logging practices by limiting the use of clearcuts, requiring sustainable forestry practices and reforming the Board of Forestry; to retrain or compensate timber workers adversely affected by the Act; to provide maximum protection of the natural environment; and to insure that forestry decisions are based on biological information. Some of the relevant sections are:

Sec. 4804. The provisions of this act apply to both privately owned timberlands and state forests.

Sec. 4804.1. Clearcutting is prohibited in California, and the selection method shall be the only allowable harvest method.

Sec. 4805.2. (a) In any ten year period on lands subject to the sustained yield plan, the total volume of timber logged shall not exceed the total volume of timber grown, and the volume of mature trees logged will not exceed the volume of mature trees grown.

Sec. 4806. The Wildlife Conservation Board may utilize the eminent domain authority of the State of California to acquire ancient forests pursuant to this Article.

The proposed legislation also requires that a sustained yield plan must be completed before a Timber Harvesting Plan is approved. The plan must provide for the production of trees of various ages and sizes and a mix of species native to the site. Provisions are defined for the creation of an Ancient Forest Protection Fund, a Timber Worker's Compensation and Training Fund and for the restructuring of the Board of Forestry.

3.0 IDAHO

Idaho Forestry Act, 1989 Update.

3.1 Administration

The Department of Lands administers and enforces the provisions of the Act.

Sec. 38-1305. The Department shall appoint a forest practices advisory committee for the purpose of providing technical advice to the Board of Land Commissioners on sound forest practices. The committee consists of 8 members as follows:

- 3 members shall be representatives of the public;
- 3 members shall be private land owners, or timber operators;
- 1 member shall be a biologist.
- of these, 3 shall reside in the North forest region and 3 shall reside in the South forest region,
- each member is appointed for a 3 year term of office,
- each member shall be qualified by experience or training to provide technical advice on forest practices.

3.2 Rules and Regulations

Sec. 38-1304. The Board of Land Commissioners shall adopt rules for forest regions which will establish minimum standards for the conduct of forest practices on forest lands. Rules will provide for the continuous harvesting of tree species while protecting wildlife habitat, and will provide reforestation guidelines based on number of seedlings/acre, timing and soil stability.

Reforestation

Rule 5. Specific stocking standards are described for ponderosa pine forests types and for mixed forest types. The stocking standards specify the number of trees per acre that is acceptable for each size class for both types of forests.

3.3 Applicability

The rules and regulation apply to state and private forest lands that have or will be used for the production of commercial timber.

3.4 Enforcement

The provisions of the Act are enforced by the Department of Lands. Violations of the rules and regulations will result in a notice of violation, cease and repair order and stop work order. Violations are considered misdemeanours and are subject to fines.

4.0 MAINE

Forest Practices Act Summary, 1989.

4.1 Administration

The Maine Bureau of Forestry is directed to provide technical assistance to forest landowners and wood processors to establish regulations of forest harvesting practices; to require accurate reporting to forest management, harvesting, and processing activities; and to create incentives to encourage forest landowners to protect the forest land base and to actively manage their lands.

4.2 Rules and Regulations

Sec. 8867. The Commissioner of Conservation is directed to develop rules for regeneration, clearcutting practices, forest management plans. The rules will be designed to address environmental concerns related to clearcutting, allowing for regional variation. Rules will be developed with regional input in the form of public consultation, seeking advice from the Citizen's Forestry Advisory Council and other organizations and agencies.

An Act to Implement Sound Forest Practices

Sec. 8869. Forest Harvest regulations

The purpose of the forest harvest regulations are to promote a healthy and sustainable forest that contains a balance of age classes necessary for a sustainable timber supply and spatial and compositional diversity. Rules shall be adopted to insure the following:

1) Reforestation

Reforestation must be completed within 5 years of harvest completion according to standards developed by the commissioner.

2) Clearcuts

Rules established for clearcuts including limitations on size, protection of wildlife habitat and provide for a healthy and sustainable forest.

3) Forest Management Plans

If clearcut is over 50 acres, a forest management plan must be signed by a professional forester

4.3 Applicability

The provisions of this Act apply to state, private and municipal forest lands.

4.4 Enforcement

These rules and regulations are enforced by and state, county or municipal law enforcement officer including forest rangers and field foresters.

5.0 MONTANA

Montana State Code, 1989.

5.1 Administration

Sec. 76-13-101. The purpose of the legislation is to provide for the protection and conservation of forest and watershed resources. The legislature encourages the use of best management practices in timber planning, harvesting, sales, road construction and site preparation. The legislature will establish a process to ensure that information on the best management practices is provided to private land owners.

Sec. 77-1-201. The Board of Land Commissioners shall exercise general authority, direction and control over the care, management and disposition of state lands. Under direction of the Board, the Dept. of State Lands is in charge of managing the timber lands of the state and will enforce the laws pertaining to forest lands.

Private Forest Lands

Sec. 76-13-131. The owner must notify the department of a proposed timber operations in an area prior to beginning operations. The department will respond by providing information on the best management practices and, if necessary, an on site consultation.

State Forest Lands

Sec. 77-5-204. All timber cut and sold from state lands shall be cut and removed under such rules for the preservation of standing timber.

Sec. 77-5-206. The department shall instruct and supervise forest operations, and may designate each tree to be cut.

5.2 Rules and Regulations

The Board may adopt and enforce reasonable rules for the purpose of enforcing the provisions and purposes of the Act.

5.3 Applicability

Legislation and rules apply to all forest lands within the state which are officially classified by the Board as forest lands.

5.4 Enforcement

6.0 OREGON

Oregon State Statutes: Title 44, Oregon Forest Practices Act, 1989.

6.1 Administration

The State Board of Forestry supervises all matters of forest policy and management under the jurisdiction of the State.

The State Board of Forestry is comprised of 7 members appointed by the governor:

- one member from each of the three forest regions,
- three members may derive their income directly from organizations that are forestry related

The State Forester is appointed by the Board. His/her duties are as follows:

- promulgate rules consistent with laws
- direct improvement and protection of forest land owned by the state
- enforce all laws pertaining to forest land and prosecute violations
- cooperate with landowners and other agencies in forest protection.

Sec. 527.650. A Forest Practice Committee is established for each region to review proposed forest practices rules in order to assist the board in developing rules appropriate to the forest conditions of the region. The recommendations are advisory. The committee consists of 9 members:

- the majority of the members must reside in the region, and must be qualified by education and/or experience in resource management.
- 2/3 of the members shall be private landowners, private timber owners or authorized representatives.

The members are appointed by the Board and sit for a three year term on the committee.

Rules to Protect Resources:

Sec. 527.710. The Board shall adopt rules to be administered by the State Forester establishing minimum standards for forest practices in each region or subregion, and to assure the continuous growing and harvesting of forest tree species.

(3)(a) the Board shall collect and analyze the best available information and establish an inventory of the following resource sites needing protection:

- A) threatened and endangered fish and wildlife species
- B) sensitive bird nesting sites
- C) biological sites that are ecologically and scientifically significant

(b) the board shall determine whether forest practices would conflict with resource sites in the inventories, and determine appropriate levels of protection.

(c) the board will adopt rules for protection after consultation with other resource agencies.

The board shall establish by rule, the standards and procedures to implement the provisions of this chapter. The board has exclusive authority to develop and enforce state-wide and regional rules. The Board shall not supervise or direct the State Forester in matters related to the geographic scheduling of harvests, annual volume and species allocation, etc.

6.2 Rules and Regulations

Oregon Forest Practices Rules, 1988.

General

Protection of Resources

Sec. 629-24-115. Operations on designated shorelands are to be conducted so as to protect the diverse environmental resources of coastal shorelands and coastal waters.

Sec. 629-24-113. Written approval from the State Forester of a written plan is required before conducting forest operations:

(b) within 300 ft of a specific site involving threatened or endangered wildlife species, or sensitive bird nesting, roosting or watering sites designated by the Board of Forestry and the Fish and Wildlife Commission or the U.S. Fish and Wildlife Service.

Sec. 629-24-118. The State Forester and the Dept. of Fish and Wildlife will determine if forest practices are in conflict with the protection of the sensitive resource sites. Written plans shall describe reasonable measures sufficient to resolve the conflict in favour of the resource site. This may include the preparation of a habitat management plan, limiting timing of forest operations, redesigning the proposed practices in favour of site protection, or excluding the forest activities outright.

Northwest Oregon Region

Harvesting

Harvesting practices shall be designed to assure the continuous growing and harvesting of tree species while protecting critical wildlife and aquatic habitat as stated above, and when ever practicable, to retain snags for wildlife habitat.

Eastern Oregon RegionHarvesting

Harvesting practices are to be conducted the same as above.

Southwest Oregon RegionHarvesting

Harvesting practices are the same as above.

6.3 Applicability

Sec. 629-24-102. The rules and regulations apply to state, private and municipal forest lands unless prior approval is obtained.

6.4 Enforcement

Sec. 629-55-020. An enforcement system is used to deter violations of rules. In the case of a violation, civil penalties are assessed.

The Oregon Dept. of Forestry emphasizes prevention of violations through planning and education (Oregon Dept. of Forestry, 1990). Forest Practices Foresters are responsible for administrating and monitoring forest operations on state and private lands.

7.0 WASHINGTON

Washington State Forest Practices Act

7.1 Administration

Sec. 76.09.030. Forest Practices Board shall establish minimum standards for forest practices, provide procedures for voluntary development of resource management plans, and establish rules and regulations governing forest practices.

Membership of the Board includes:

- commissioner of public lands
- director of the dept. of trade and economics development
- director of the dept. of agriculture
- director of the dept. of ecology
- elected member of a county legislative authority
- six members of the general public appointed by the governor

Sec. 76.09.050. The Board shall establish by rule which forest practices shall be included within each of the following classes:

- Class I - forest practices that have no direct potential for damaging a public resource
- Class II - forest practices which have less than ordinary potential for damaging resources
- Class III - other than I, II, IV
- Class IV - other than II, III.

7.2 Rules and Regulations

Washington Forest Practices: Rules and Regulations, Title 222

WAC.

Sec. 76.09.040. These regulations are adopted to accomplish the purposes and policies stated in the Act. Rules for harvesting, road construction, reforestation, riparian management, soil conservation and hazard management are included.

The Board is authorized to promulgate forest practices regulations establishing minimum standards for forest practices and setting forth necessary administrative provisions.

Forest Practices Board Manual

Critical Wildlife Habitat

Sec. 3. The standards set out in this section provide guidance to operating near water areas and critical wildlife habitats. These sections are advisory.

This section describes which species of wildlife are in need of protection, and what measures can help maintain an adequate habitat for each species.

Endangered Species

The federal endangered species Act provides for the conservation of threatened and endangered species. Critical habitat refers to areas required to conserve threatened or endangered species.

Critical wildlife habitat is described for each endangered species and landowners and the Washington Dept. of Fish and Wildlife are expected to determine site specific management provisions for the timber and for wildlife resources in an area.

Upland Management Areas

Upland Management Areas (UMA's) are established to provide diversity of habitat to benefit specific wildlife species and their habitat requirements. Landowners voluntarily establish UMA's in recognition of the need to provide wildlife habitat diversity. It is recommended that UMA's are established at a ratio of 2 or more acres per 160 acres of clearcut harvest or equivalent.

7.3 Applicability

The forest Act and Forest Practices Act applies to forest landowners, timber owners, operators, and counties. Forest practices standards apply according to the class of forest practices: Class I - IV.

7.4 Enforcement

It is the policy of the Act and the Board to encourage informal, practical, result - oriented resolution of alleged violations and actions needed to prevent damage to public resources.

The enforcement procedures include: informal conferences; notices to comply; stop work orders; corrective actions; civil penalties; and criminal penalties.

8.0 UNITED STATESUnited States Code Annotated. Title 16: Conservation, 1990.Chapter 2: National Forests8.1 Administration

Sec. 472. The Secretary of the Dept. of Agriculture shall execute or cause to execute all laws affecting public lands reserved as national forests. The Secretary shall develop utilization standards and harvesting practices for the removal of trees. Officials of the Forest Service designated by the Secretary shall aid in the enforcement of the laws of the state for protection of forests, fish and wildlife. The Secretary of Agriculture and the Secretary of the Interior may prescribe rules and regulations as may be appropriate to carry out the purposes of the chapter.

Chapter 36: Forest and Rangeland Renewable Resources Planning

Sec. 1604. National Forest System land and resource management plans.

The process for the development of land management plans and the guidelines and standards prescribed for land management plans are specified in this section.

(g) The regulations shall include:

- (3) guidelines for land management plans developed to achieve the goals of the program:

- (B) provide for the diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and provide steps to preserve the diversity of tree species similar to that existing in the region controlled by the plan.

8.2 Rules and Regulations8.3 Applicability

The provisions of this Act apply to all national forest lands.

8.4 Enforcement

9.0 TASMANIA

Forest Practices Act ,1985.

9.1 Administration

The Forestry Commission administers the Act through the Chief Forest Practices Officer who monitors standards and ensure uniformity amongst Forest Practices Officers. Officers are appointed from the Forestry Commission and form industry.

The Private Forestry Council hears reports on implementing improvements to the Forest Practices Act. The Council consists of representatives of private forest owners, forest industry and government agencies concerned with private forestry.

The Forest Practice Code

Sec. 30. The Forest Practices Code pertains to the conduct of forest practices and is issued by the Forest Commission after consultation with the Council and the public. The Code is subject to modification as research and field experience improve knowledge of forest management.

Sec. 31. The Forest Practices Code shall prescribe the manner in which forest practices shall be conducted so as to provide reasonable protection to the environment. The Code applies to the following:

- a) establish and maintenance of forests, including standards for the restocking of trees.
- b) the harvesting of timber
- c) the construction of roads and other works.

The provisions for reasonable protection of the environment include landscape management and the control of soil erosion. The Code authorizes forest practices officers to determine, apply and regulate any matter.

Forest Practices Tribunal

Sec. 34. A Forest Practices Tribunal shall be appointed by the Governor for hearing appeals to the Commission under the Forest Practices Act.

9.2 Rules and Regulations

Forest Practices Code, 1987.

The Forest Practices Code defines very specific standards to protect environmental values during forest operations. The values

include: soils, water quality and flow, site productivity, flora and fauna, landscape, archaeology and karsts. Forest practices officers will apply the forest practices principles included in this code and assess Timber Harvesting Plans.

Planning

Timber harvesting plans will take in account of the following;

- features of the area: type of forest, special features, topography, soils, climate and geology;
- consideration of adjoining lands and forests;
- outline of management objectives;
- steps to sustain site productivity;
- cutting sequence of a diverse forest considering: species composition, environmental values of the forest.

A table outlining guidelines for reforestation techniques that may be used depending on the type of forest desired for the future. Techniques differ for wet and dry forests. The guidelines state that retention of some patches of forest vegetation should be considered.

Harvesting of Timber

Timber harvesting will be planned and carried out to minimize long term impact on the environment and production of the site.

Areas harvested by clearfelling over many years should incorporate a dispersed design.

The Code provides guidelines on how forest practices should be carried out as interpreted by Forest practices Officers for felling, seasonal conditions, sensitive sites and extraction equipment. The guidelines for harvesting apply to :

- 1) design, planning and equipment considerations;
- 2) wet weather limitations
- 3) snig tracks and landings
- 4) water quality and stream protection
- 5) flora and fauna conservation: the Forestry Commission will maintain a register of vegetation types and rare and endangered flora and fauna species.
- 6) landscape
- 7) archaeology
- 8) caves and sinkholes
- 9) salvage operations

Flora and Fauna Conservation:

The Forest Practices Officer will assess whether the vegetation planned for timber harvest is:

- (a) adequately reserved - can proceed to harvest;
- (b) poorly reserved - a pre logging survey will be done defining management prescriptions and

- recommendations on reservation; -
(c) unreserved - same as above.

Site Management for Native Forests:

- habitat should be retained for forest dependent wildlife;
- parts of refuges should be connected by continuous forest corridors;
- habitat diversity should be maintained: retain areas of high habitat potential such as contrasting and particularly rich ecological niches;
- in clearcuts, some over mature and mature trees should be retained where these can be protected if slash burning is proposed;
- trees should be retained as individuals or preferably clumps;
- staggered aggregates and coupes should be considered to ensure retention of shelter until the logged area is reforested and provides suitable habitat for wildlife.

Reforestation Prescriptions:

On crown land, consideration should be given to the protection of the genetic resources of native forests. Plant species composition should approximate the natural canopy trees for the site, and greater species diversity than in the original stand is desired.

9.3 Applicability

The provisions of this Act and Code apply to crown and private timber reserve lands.

9.4 Enforcement

Self regulation by industry is a vital element in the implementation of the Act. The encouragement of good forest practices and high standards is preferable to over regulation.